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Letter dated 6 January 2010 from the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia (see annex), which contains an account of the Committee's activities during the period from 1 January to 31 December 2009. The report is being submitted in accordance with the note by the President of the Security Council dated 29 March 1995 (S/1995/234).

(*Signed*) Claude **Heller**
Chairman
Security Council Committee established pursuant to
resolution 751 (1992) concerning Somalia

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Annex

Annual report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia covers the period from 1 January to 31 December 2009.

2. For 2009, the Bureau consisted of Claude Heller (Mexico) as Chairman, with the delegations of Croatia and the Libyan Arab Jamahiriya providing the Vice-Chairmen.

II. Background

3. By its resolution 733 (1992), the Security Council imposed a general and complete arms embargo on Somalia, and by its resolution 751 (1992), the Council established a Committee to oversee the implementation of the embargo. Subsequently, in its resolutions 1356 (2001), 1425 (2002), 1744 (2007) and 1772 (2007), the Council outlined certain exemptions to the embargo and further elaborated the scope of the measures.

4. By its resolution 1844 (2008), the Security Council, emphasizing the continued contribution made to Somalia's peace and security by the arms embargo imposed by paragraph 5 of resolution 733 (1992), decided, inter alia, that all Member States should take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee pursuant to paragraph 8 of the same resolution. The Council also decided that all Member States should freeze without delay the funds, other financial assets and economic resources owned or controlled directly or indirectly by the individuals or entities designated by the Committee. The Council further imposed on individuals and entities designated by the Committee a prohibition on the supply, sale or transfer of weapons and military equipment, and the supply of related training, and financial and other assistance. By paragraph 8 of the same resolution, the Council mandated the Committee to designate individuals and entities: (a) engaging in or providing support for acts that threaten the peace, security or stability of Somalia; (b) having acted in violation of the general and complete arms embargo; and (c) obstructing the delivery of or access to humanitarian assistance to Somalia. By paragraph 11 of the same resolution, the Committee was entrusted with, inter alia, the tasks of monitoring the implementation of the travel ban and assets freeze, with the support of the Monitoring Group; of seeking from all Member States, in particular those in the region, information regarding the actions taken by them to implement effectively the travel ban and assets freeze; and of reporting to the Council at least every 120 days on its work and on the implementation of resolution 1844 (2008).

5. By its resolution 1853 (2008), the Security Council extended the mandate of the Monitoring Group referred to in paragraph 3 of resolution 1558 (2004) for a period of 12 months, with the addition of a fifth expert. The re-established Monitoring Group was mandated, inter alia, to: continue the tasks outlined in paragraph 3 (a) to (c) of resolution 1587 (2005) (i.e., investigate the implementation

and violations of the arms embargo and make recommendations); continue to investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generated revenues used to commit arms embargo violations; continue to investigate any means of transport, routes, seaports, airports and other facilities used in connection with arms embargo violations; continue refining and updating information on the draft list of those individuals and entities that violated the measures implemented by Member States in accordance with resolution 733 (1992), inside and outside Somalia, and their active supporters, for possible future measures by the Council, and present such information to the Committee as and when the Committee deemed appropriate; continue making recommendations based on its investigations and on the previous reports of the Monitoring Group; work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the arms embargo; assist in identifying areas where the capacities of States in the region could be strengthened to facilitate the implementation of the arms embargo; provide to the Council, through the Committee, a midterm briefing within six months of its establishment, and submit progress reports to the Committee on a monthly basis; and submit, for the Security Council's consideration, a final report covering all the tasks set out above, no later than 15 days prior to the termination of the Monitoring Group's mandate.

6. On 23 December 2009, the Security Council adopted resolution 1907 (2009), by which, inter alia, it imposed a ban on the sale or supply to and from Eritrea of arms and related materiel, and technical assistance and training. By the same resolution, the Council also imposed an assets freeze, a travel ban, as well as a targeted arms embargo on individuals and entities, including but not limited to the Eritrean political and military leadership, designated by the Committee as: violating the arms embargo; providing support from Eritrea to armed opposition groups destabilizing the region; obstructing the implementation of resolution 1862 (2009) concerning Djibouti; or supporting or inciting individuals or groups to perpetrate acts of violence or terrorist acts against other States or their citizens in the region. The Council further expanded the mandate of the Monitoring Group re-established by resolution 1853 (2008) to, inter alia, monitor and report on the implementation of the measures imposed by resolution 1907 (2009).

III. Summary of the Committee's activities

7. During the reporting period, the Committee met four times in informal consultations. On 20 January 2009, the Committee held an exchange of views on its programme of work and on the implementation of the measures imposed by resolution 1844 (2008). On 24 March 2009, the Committee discussed the Chairman's report to the Security Council pursuant to paragraph 11 (g) of resolution 1844 (2008), and received a presentation by the Coordinator of the Monitoring Group re-established pursuant to resolution 1853 (2008), in connection with the Monitoring Group's programme of work, also in the light of the new tasks set out in resolution 1844 (2008). On 9 April 2009, the Chairman of the Committee made a statement to the Council in connection with the report pursuant to paragraph 11 (g) of resolution 1844 (2008), requesting the postponement of the due date for the same report.

8. On 17 February 2009, the Committee approved a note verbale addressed to all Member States drawing their attention to the various provisions of resolution 1844 (2008) and, on 11 May 2009, adopted consolidated and revised guidelines for the conduct of its work, in connection with paragraph 11 (i) of resolution 1844 (2008), to facilitate the implementation of the measures imposed by the same resolution.

9. Pursuant to paragraph 3 (e) of resolution 1853 (2008), on 8 and 15 July 2009 the Monitoring Group submitted, at the Committee's request, a draft list of those individuals and entities who had violated the measures implemented by Member States in accordance with resolution 733 (1992) and paragraphs 8 (a) to (c) of resolution 1844 (2008), inside and outside Somalia, and their active supporters.

10. On 21 July 2009, the Committee received a briefing by the Monitoring Group and considered follow-up actions to increase awareness of the new measures imposed by resolution 1844 (2008), as well as to strengthen understanding of and support for the Monitoring Group's mandate. In this connection, on 24 September 2009, the Committee addressed an additional note verbale to all Member States drawing their attention to the measures contained in resolution 1844 (2008), in particular to the procedure for exemptions from the arms embargo and to the mandate of the Monitoring Group. Furthermore, on 16 September 2009, the Committee approved a visit to the region by its Chairman, and in this connection, on 2 October 2009, it addressed letters to the Permanent Representatives of Eritrea, Ethiopia, Kenya, Somalia, the United Arab Emirates and Yemen, as well as to the Commissioner for Peace and Security of the African Union. The visit was subsequently postponed owing to a number of recent developments.

11. On 21 October 2009, the Committee received a midterm briefing by the Monitoring Group, pursuant to paragraph 3 (i) of resolution 1853 (2008). The Committee also received a briefing by the Deputy Special Representative of the Secretary-General for Somalia, pursuant to paragraph 10 of resolution 1844 (2008). On 16 November, the Chairman of the Committee briefed the Security Council in connection with the Committee's activities, pursuant to paragraph 11 (g) of resolution 1844, and regarding the review of the measures set out in the resolution, in accordance with its paragraph 26.

12. On 11 December 2009, the Committee issued a press release deploring acts of intimidation and interference with the Monitoring Group's work and urging Member States to extend full cooperation with the investigation of the Monitoring Group, and to provide the necessary assistance to ensure that its activities continued unhindered.

13. During the reporting period, the Committee approved two requests for exemptions from the arms embargo for non-lethal military equipment pursuant to paragraph 3 of resolution 1356 (2001) and 11 requests for exemptions from the arms embargo pursuant to paragraph 11 (b) of resolution 1772 (2007). One request for an exemption from the arms embargo pursuant to paragraph 11 (b) of resolution 1772 (2007) was not approved by the Committee, and in this connection, on 18 June 2009, the Chairman sent a letter to the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006). With respect to paragraph 25 of resolution 1844 (2008), in which the Council requested Member States to report to the Committee on the steps they had taken with a view to implementing effectively the measures imposed by the same resolution, the Committee received reports from 25 Member States.

Appendix 1

Reports received from States in accordance with paragraph 25 of resolution 1844 (2008)

	State	*Date of report*	*Symbol*
1	Serbia	26 February 2009	S/AC.29/2009/1
2	China	9 March 2009	S/AC.29/2009/2
3	Japan	13 March 2009	S/AC.29/2009/3
4	New Zealand	19 March 2009	S/AC.29/2009/4
5	Greece	19 March 2009	S/AC.29/2009/5
6	Canada	20 March 2009	S/AC.29/2009/6
7	Belarus	19 March 2009	S/AC.29/2009/7
8	Austria	20 March 2009	S/AC.29/2009/8
9	United Kingdom of Great Britain and Northern Ireland	20 March 2009	S/AC.29/2009/9
10	Australia	20 March 2009	S/AC.29/2009/10
11	Estonia	20 March 2009	S/AC.29/2009/11
12	Slovakia	18 March 2009	S/AC.29/2009/12
13	Burkina Faso	1 April 2009	S/AC.29/2009/13
14	United States of America	7 April 2009	S/AC.29/2009/14
15	Lebanon	14 April 2009	S/AC.29/2009/15
16	Slovenia	20 April 2009	S/AC.29/2009/16
17	France	21 April 2009	S/AC.29/2009/17
18	Lithuania	8 May 2009	S/AC.29/2009/18
19	Brazil	7 May 2009	S/AC.29/2009/19
20	Liechtenstein	15 May 2009	S/AC.29/2009/20
21	Switzerland	19 May 2009	S/AC.29/2009/21
22	Argentina	6 August 2009	S/AC.29/2009/22
23	Yemen	17 August 2009	S/AC.29/2009/23
24	Spain (SCA/1/2009 (16))	3 November 2009	S/AC.29/2009/24
25	Denmark	11 November 2009	S/AC.29/2009/25